

**REMARKS**

We are in receipt of the Office Action dated February 22, 2006, and the following remarks are made in light thereof.

Claims 1-7 are pending in the application. Pursuant to the Office Action, Claims 1-3 are rejected under 35 USC §103(a) as being unpatentable over either UK 573,204 (Marti) or DE 844,128 (Brass) in view of Litchfield U.S. 1,207,947. Claims 4 and 5 stand rejected for being obvious over Marti or Brass in view of Litchfield, and further in view of Wilbur U.S. 284,933. Claims 6 and 7 are rejected as being obvious over either Marti or Brass in view of Litchfield, and further in view of Ping 6,116,124. This action was made final.

By way of the foregoing amendment, claims 1 and 4-7 are pending in the application. Claim 1, as amended, calls for a self-adjusting pliers having first and second elongated members, each comprising a handle, a jaw with a gripping surface, and an intermediate portion between the handle and the jaw. The intermediate portion of the first elongated member includes an elongated slot, while the intermediate portion of the second elongated member includes a pivot pin that is slidably captured in the slot. Claim 1, as amended, now requires the second elongated member to include a stop pin in its intermediate portion that is adapted to abut the intermediate portion of the first elongated member, and the intermediate portion of the first elongated member to include a series of notches external the elongated slot. Thus, when the pliers are used to grasp a workpiece, the stop pin of the elongated member will nest in a notch that is among a series of notches external to the elongated slot to maintain the relative spacing of the jaws and, further, to limit the degree to which the second elongated member can be pivoted about the pivot pin. Thus, a self-sizing, locking feature is recited in the claims. This feature is

shown in the drawings at Figs. 2 and 3 and described in the specification beginning on page 5, line 7 through page 6, line 7. None of the prior art relied upon by the Examiner, either alone or in combination, discloses or suggests this feature of the claimed invention.

Brass is directed to a typical channel-pipe adjustable pliers. The Brass pliers include a pawl "b" which, when engaged with a serration in one of the handle members, prevents the narrowing of the space between the jaws. In contrast to the present invention, the pliers disclosed in Brass are not self-sizing and do not permit one-handed operation. Specifically, in order to adjust the spacing between the jaws and the Brass pliers, first the pawl must be pivoted about screw "g" in order to move out of engagement with a tooth, and then a handle taken in each hand in order to slide the pivot along the slide to the appropriate position, maintaining that position, and then engaging the pawl with the appropriate tooth in order to prevent the jaws from moving towards each other.

Marti also disclosed a conventional channel-type adjustable pliers. The only difference between the pliers disclosed in Marti and those in Brass is the pawl that Brass uses for maintaining the jaws in a particular position. Marti uses a tooth 8 formed on one of the jaws for engaging the toothed rack 6. Marti also requires two hands in order to adjust the jaws to the desired spacing.

Litchfield is directed to a tool having movable jaws for gripping or cutting an object located there between. It includes a first handle 8 with an integral jaw 2 and a second jaw 1 pivotally connected the first handle 8 by a pivot bolt 9, and a second handle 15 pivotally connected to the jaw 2 by a pivot bolt 16. The pivot bolt 9 is received in a slot 10 in the handle 8, with coil spring 11 interposed between the pivot bolt 9 and the outer extremity of the slot 10.

By separating the second jaw from the handle 15, Litchfield has provided a tool that progressively closes and locks the jaws about a work piece by actuation of the handle. Specifically, movement of the handles produces only a partial closing movement of the jaws, the entire closing movement of the jaws being produced by successive relative contracting and expanding movement of the handles. Thus, a relative step-by-step movement is imparted to the jaws, the coil spring 11 acts against the pivot 9 and the outer end of the slot 10 to move the handle 8 so as to restore the pivot 9 to the inner extremity of this slot to initiate further closing action of the jaws upon manipulation of the handles.

While Litchfield does use a biasing spring, designated 11, combining Litchfield with either Brass or Marti does not result in the claimed invention. This argument was set forth in the Response- After Final filed by mail on November 23, 2005, but was not addressed by the Examiner in the Response to Arguments section of the February 22, 2006 Office Action. Specifically, Claim 1 calls for the spring to be captured in the elongated slot on the first elongated member between the pivot pin on the second elongated member and the second end of the slot that is spaced away from the jaw on the first elongated member (i.e., the “second end of the slot”).

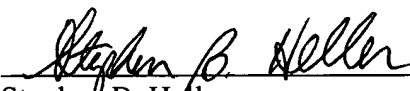
In Litchfield, lever 8 with slot 10 corresponds to the claimed first elongated member and the slot therein. Litchfield's frame 7 and pivot pin 9 correspond to the claimed second elongated member and its pivot pin. In Litchfield, the spring 11 is captured in the slot 10 between the pivot pin 9 and the end of the slot closest to the jaw 2 of the first elongated member 8 (corresponding to “the first end of the slot”). This is the exact opposite of what is called for in Claim 1 of the pending application. Fig. 3 of the pending application and Fig. 2 from Litchfield are shown in

the attached Exhibit A to better illustrate this difference. Fig. 2 from Litchfield has been reoriented to facilitate comparison. Thus, if Litchfield were combined with either of the Brass or Marti pliers, the spring would bias the jaws away from each other, rather than towards each other as specifically required by Claim 1.

In addition, there is no incentive to include the spring 11 from Litchfield with either of the pliers disclosed by Marti or Brass because the Litchfield tool utilizes spring 11 to bias the jaws apart in connection with its ratcheting mechanism for progressively closing the jaw members. There is no similar structure or purpose in either of the Marti or Brass pliers. Thus, the only incentive for combining these references is the teaching of the present application, which is clearly improper.

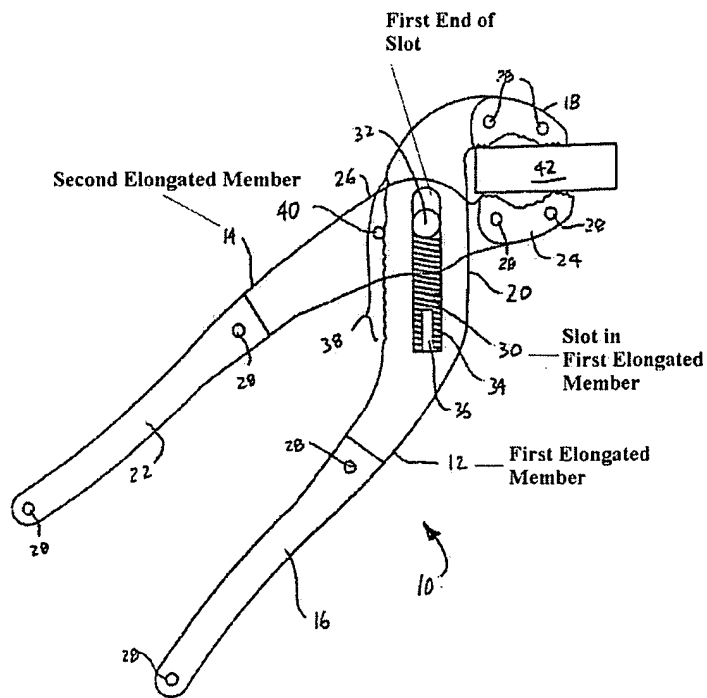
Accordingly, applicant submits that the pending claims are patentable over the prior art of record. Thus, reconsideration and allowance of the pending claims is respectfully requested.

Respectfully submitted,

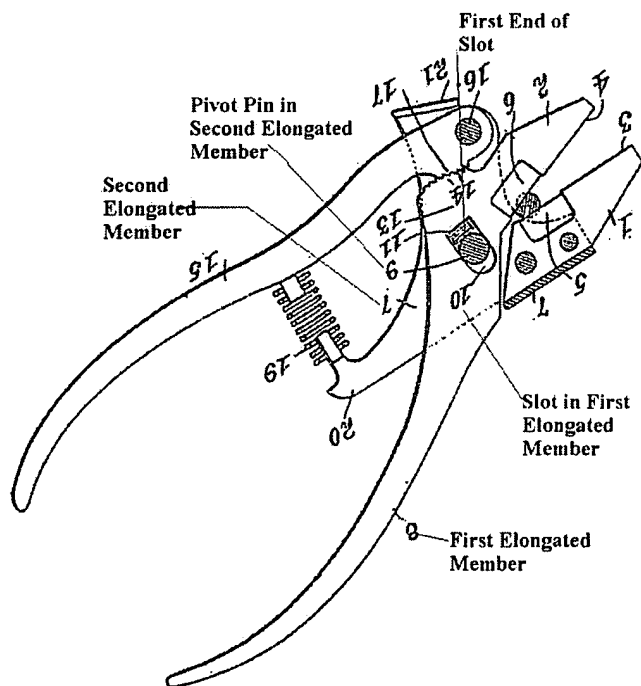
  
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## CLAIMED PLIERS



## LITCHFIELD



## **EXHIBIT A**